Federal Operating Permit
Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V, and Chapter 80, Article 3 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700 and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia Electric & Power Company aka Dominion
Facility Name:	Bremo Power Station
Facility Location:	1 mile southeast of U.S. Highway 15 on County Route 656 Fluvanna County, Virginia
Registration Number:	40199
Permit Number:	VRO40199

April 29, 2004
Effective Date

June 8, 2005
Administrative Amendment Date

October 25, 2006
Significant Modification Date

December 31, 2007
Expiration Date

R. Bradley Chewning
Regional Director, Valley Region

October 25, 2006
Signature Date

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The Phase II Acid Rain Permit (Effective Date January 1, 2003) (11 pages)
The NO_x Budget permit application (4 pages)
NSPS, Subpart Y

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I. Facility Information

Permittee
Virginia Electric & Power Company aka Dominion
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Responsible Official
Mr. Harry L. Miller
Station Director

Acid Rain Designated Representative
Mr. David J. Rives
Vice President, Fossil & Hydro
EPA ID Number: 2099

Alternate Acid Rain Designated Representative
Mr. Harry L. Miller
Station Director
EPA ID Number: 2098

NO_x Allowance Budget Trading Authorized Account Representative (AAR)
Mr. David J. Rives
Vice President, Fossil & Hydro
EPA AAR ID Number: 2099

Alternate NO_x Allowance Budget Trading AAR
Mr. Harry L. Miller
Station Director
EPA AAR ID Number: 2098

Facility
Bremo Power Station
1038 Bremo Road
Bremo Bluff, Virginia 23022

Contact Person
Pamela Faggert
Vice President and Chief Environmental Officer
(804) 273-3467

Plant Identification Number: 51-065-0001

ORIS Code: 3796

NATS Facility Identification Numbers: 003796000003
003796000004

Facility Description: SIC Code 4911 (Electric Power Generation) and NAISC ID Code 221112 – The Bremo Power Station is a coal-fired electric power generating facility located in Fluvanna County, Virginia. The facility includes two dry bottom wall-fired Babcock and Wilcox boilers rated at 912 and 1,699 million Btu per hour design heat input capacity. Particulate emissions from these boilers are controlled by electrostatic precipitators. The facility also includes a coal handling operation.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
ES-1	EP-1	Kewanee Package Boiler, Model #H3s-200-02-250 Distillate oil/propane-fired (1991)	8.693 mmBtu/hr	-	-	-	-
ES-2	EP-2	Solar Combustion Turbine Model T-351N-21 Kerosene/distillate oil-fired (1967)	5.24 mmBtu/hr	-	-	-	-
ES-3	EP-3	Babcock and Wilcox Boiler (Unit 3) Pulverized coal-fired (distillate oil and used oil primarily used for start-up and flame stabilization) (1950)	912 mmBtu/hr (coal) 504 mmBtu/hr (oil)	Western Precipitator Type R	ESP-3	PM PM-10	-
ES-4	EP-4	Babcock and Wilcox Boiler voluntarily retrofitted with low NO_x burners in 1999 (Unit 4) Pulverized coal-fired (distillate oil and used oil primarily used for start-up and flame stabilization) (1958)	1699 mmBtu/hr (coal) 504 mmBtu/hr (oil)	Western Precipitator Type R	ESP-4	PM PM-10	-
Coal Handling System							
ES-5a	ES-5	Coal Handling – Railcar Unloading (1986) NSPS Subpart Y	550 tons/hr	Enclosure	-	PM PM-10	2/26/02
ES-5b	ES-5	Coal Handling – Crushing (1986) NSPS Subpart Y	550 tons/hr	Enclosure	-	PM PM-10	2/26/02

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
ES-5c	ES-5	Coal Handling – Conveying System (1986) NSPS Subpart Y	550 tons/hr	Enclosure	-	PM PM-10	2/26/02
ES-5d	ES-5	Coal Handling – Storage Piles	-	-	-	PM PM-10	2/26/02
Syn Fuel Plant							
ES-6a		Syn Fuel Plant - One fixed grated grizzly screen (2005) NSPS, Subpart Y	150 tons/hr	Enclosure/Wet Suppression		PM PM-10	7/29/05
ES-6b		Syn Fuel Plant - Four Conveyors (2005) NSPS, Subpart Y	150 tons/hr	Enclosure/Wet Suppression		PM PM-10	7/29/05
ES-6c		Syn Fuel Plant - Two Pug Mixers (2005)	150 tons/hr	Enclosure		PM PM-10	7/29/05
ES-6d		Syn Fuel Plant - Two Briquetters (2005)	150 tons/hr	Enclosure		PM PM-10	7/29/05
ES-6e		Syn Fuel Plant - Radial Stacker (2005)	150 tons/hr	Enclosure/Wet Suppression		PM PM-10	7/29/05
ES-6f		Syn Fuel Plant - Two Raw Binder Tanks (2005)	150 tons/hr				7/29/05
ES-6g		Syn Fuel Plant - Mixing Tank (2005)	150 tons/hr				7/29/05
ES-6h		Syn Fuel Plant - Finished Binder Tank (2005)	150 tons/hr				7/29/05

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (ES-1, ES-2, ES-3, and ES-4)

A. Limitations

1. Particulate emissions from each boiler (ES-3 and ES-4) shall be controlled by an electrostatic precipitator (ESP-3 and ESP-4). Each electrostatic precipitator shall be provided with adequate access for inspection.
(9 VAC 5-80-490 B & C)

2. The approved fuels for the Kewanee package boiler (ES-1) are liquefied petroleum gas (LPG) and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C)

3. The approved fuel for the Solar Combustion Turbine (ES-2) is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C)

4. The approved fuels for the Babcock and Wilcox boilers (ES-3 & ES-4) are coal, distillate oil and used oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C)

5. Emissions from the operation of the Kewanee package boiler (ES-1) shall not exceed the limits specified below:

Particulate Matter	5.22 lbs/hr
Sulfur Dioxide	22.95 lbs/hr

(9 VAC 5-40-900, 9 VAC 5-40-930, and 9 VAC 5-80-490 B & C)

6. Emissions from the operation of the Solar Combustion Turbine (ES-2) shall not exceed the limits specified below:

Particulate Matter	2.00 lbs/hr
Sulfur Dioxide	13.83 lbs/hr

(9 VAC 5-40-900, 9 VAC 5-40-930, and 9 VAC 5-80-490 B & C)

7. Emissions from the Babcock and Wilcox boiler (ES-3) shall not exceed the limits specified below:

Particulate Matter	128.51 lbs/hr
Sulfur Dioxide	2407.68 lbs/hr
Nitrogen Oxides (as NO_2)	*0.46 lbs/million Btu input as an annual average

* The boilers are included in a system-wide averaging plan for nitrogen oxides. The nitrogen oxide limit for the boilers is only applicable if the system fails to meet the annual system-wide averaging plan or if the boilers are removed from the system-wide averaging plan.

(9 VAC 5-40-900, 9 VAC 5-40-930, 9 VAC 5-80-490 B & C, 40 CFR 76.5(a)(1), and 40 CFR 76.11)

8. Emissions from the operation of the Babcock and Wilcox boiler (ES-4) shall not exceed the limits specified below:

Particulate Matter	239.95 lbs/hr
Sulfur Dioxide	4485.36 lbs/hr
Nitrogen Oxides (as NO_2)	*0.46 lbs/million Btu input as an annual average

* The boilers are included in a system-wide averaging plan for nitrogen oxides. The nitrogen oxide limit for the boilers is only applicable if the system fails to meet the annual system-wide averaging plan or if the boilers are removed from the system-wide averaging plan.

(9 VAC 5-40-900, 9 VAC 5-40-930, 9 VAC 5-80-490 B & C, 40 CFR 76.5(a)(1), and 40 CFR 76.11)

9. Visible Emissions from the Kewanee boiler stack (EP-1) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-490 B & C)

10. Visible Emissions from the Solar Combustion Turbine stack (EP-2) and each of the Babcock and Wilcox boiler stacks (EP-3 & EP-4) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity.
(9 VAC 5-40-80, 9 VAC 5-40-940, and 9 VAC 5-80-490 B & C)

11. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-490 B & C)

12. All air pollution control equipment operators shall be trained and certified in the proper operation of all such equipment. Certification of training shall consist of a statement of time, place and nature of training provided.
(9 VAC 5-80-490 B & C)

13. The permittee shall obtain a certification, or alternative statement, from the fuel supplier covering each shipment of distillate oil. Each fuel supplier certification or alternative statement shall include the following:

    a. The name of the fuel supplier,

    b. The date on which the oil was received,

    c. The volume of distillate oil delivered in the shipment, and

    d. A statement that the oil complies with the American Society for Testing and Materials specifications for fuel oil numbers 1 and 2.

    (9 VAC 5-80-490 F)

14. The permittee shall conduct startup of each Babcock and Wilcox boiler (ES-3 & ES-4) in accordance with the manufacturer’s written instructions or other written instructions prepared by the permittee and maintained on site that are specifically developed to minimize excess emissions from startups and that include, at a minimum, the following measures:

a. Review of the operational condition of the boiler prior to initiating startup of the boiler.

b. Use of oil burners as needed to heat the boiler prior to initiating burning of coal.

c. Review of the operating parameters of an affected boiler during each startup as necessary to make appropriate adjustments to the startup to reduce or eliminate excess emissions.

d. Timely energization of the electrostatic precipitator as soon as this may be safely accomplished without damage or risk to personnel or equipment not to exceed two hours after cessation of oil injection into the boiler.

(9 VAC 5-80-490 B & C)

B. Monitoring

1. A continuous opacity monitoring system (COMS) shall be installed and operated to measure and record opacity of emissions from stack EP-3 (ES-3) and from stack EP-4 (ES-4). Each COMS shall be installed, calibrated, maintained and operated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41.
(9 VAC 5-40-100, 9 VAC 5-40-1000, 40 CFR 75.10 and 9 VAC 5-80-490 E)

2. A continuous emission monitoring system (CEMS) and a flow monitoring system shall be installed and operated to measure and record sulfur dioxide emissions from stack EP-3 (Unit ES-3) and from stack EP-4 (Unit ES-4). Each CEMS and flow monitoring system shall be installed, calibrated, maintained and operated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41.
(9 VAC 5-40-100, 40 CFR 75.10 and 9 VAC 5-80-490 E)

3. A continuous emission monitoring system (CEMS) consisting of a NO_x pollutant concentration monitor and a carbon dioxide diluent gas monitor shall be installed and operated to measure and record nitrogen oxide emissions from stack EP-3 (Unit ES-3) and from stack EP-4 (Unit ES-4). Each CEMS shall be installed, calibrated, maintained and operated in accordance with 9 VAC 5-40-40 and 9 VAC 5-40-41.
(9 VAC 5-40-100, 40 CFR 75.10 and 9 VAC 5-80-490 E)

4. The electrostatic precipitator (ESP-3) shall be equipped with devices to continuously measure the primary voltage and primary current. Relative spark rate shall be determined by visual evaluation of primary voltage and current analogue meter output. Each monitoring device shall be installed, maintained, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. If the manufacturer's written requirements or recommendations are not available, the permittee shall

establish their own written procedures. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the ESP is operating. The operating condition of each field shall be observed once per twelve-hour shift at a minimum. Any malfunctioning fields shall be noted and recorded.
(9 VAC 5-80-490 E)

5. The electrostatic precipitator (ESP-4) shall be equipped with devices to continuously measure the primary and secondary voltage, primary and secondary current, and spark rate for each field. Each monitoring device shall be installed, maintained, and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. If the manufacturer's written requirements or recommendations are not available, the permittee shall establish their own written procedures. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the ESP is operating. The operating condition of each field shall be observed once per twelve-hour shift at a minimum. Any malfunctioning fields shall be noted and recorded.
(9 VAC 5-80-490 E)

6. The permittee shall review the recorded opacity data from each opacity monitor serving Units ES-3 and ES-4 daily. If the data indicate opacity approaching the applicable standard, the permittee shall check boiler and ESP operating parameters to determine if parameters are within normal ranges. If boilers or ESPs are not operating within normal parameters, adjustments shall be made to return the unit(s) to proper operation. Opacity data shall be reviewed again to confirm proper operations.
(9 VAC 5-40-940 and 9 VAC 5-80-490 E)

7. The permittee shall perform visible emissions observations (VEO) on the exhaust stack of the boiler (ES-1) and the turbine (ES-2) according to the following schedule:

   a. At least one VEO shall be conducted on each unit that operates for a cumulative total of 20 hours or more during the calendar year.

   b. At least one VEO shall be performed during each 200 hours of unit operation during the calendar year.

   c. At least one VEO shall be performed during any unit operability verification testing conducted during the calendar year.

   Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If no visible emissions are observed, a note to that effect should be recorded. However, if visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9

for a period of not less than 6 minutes. If the average opacity exceeds 10%, modifications and/or repairs shall be performed to correct the problem and the corrective measures shall be recorded. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 minutes to determine compliance with the opacity limits specified in Conditions III.A.9 and III.A.10.
(9 VAC 5-80-490 E)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Regional Office. These records shall include, but are not limited to:

1. The annual throughput of coal (in tons), distillate oil (in 1000 gallons), and liquefied petroleum gas (in 1000 gallons) for each boiler (ES-1, ES-3, ES-4) and turbine (ES-2). The annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.

2. All fuel supplier certifications or alternative statements.

3. The DEQ-approved, pollutant-specific emission factors and the equations used to demonstrate compliance with the pounds per hour emissions limitations specified in Conditions III.A.5 and III.A.6.

4. Daily emissions calculated monthly for PM emissions from each boiler (ES-3 and ES-4) stack using stack test derived emission factors and calculation methods approved by the Director, Valley Regional Office, to verify compliance with the pounds per hour emissions limitations specified in Conditions III.A.7 and III.A.8.

5. Hours of operation for boiler (ES-1) and turbine (ES-2).

6. Visible emission observation results of the boiler (ES-1) and turbine (ES-2) stacks, to include:

   a. The date, time and name of the person performing each evaluation;

   b. Whether or not visible emissions are observed;

   c. Modifications and/or repairs performed, if applicable; and

   d. VEE results, if applicable.

7. All COM and CEM records.

8. ESP monitoring device observation records, to include:

   a. The date, time and name of the person performing each observation;

   b. Whether or not any malfunctioning fields were noted; and

   c. Modifications and/or repairs performed, if applicable.

9. Maintenance and operator training records including the names of trainees, the date of training and the nature of the training.

10. Results of all performance tests and visible emissions evaluations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-40-50, 9 VAC 5-80-490 F, and 40 CFR Part 72.9(f))

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
   (9 VAC 5-40-30 and 9 VAC 5-80-490 E & F)

2. Performance tests shall be conducted for particulate matter on Units ES-3 and ES-4 using EPA Method 5 or 17(40 CFR Part 60, Appendix A) to demonstrate compliance with the particulate emission limits contained in Conditions III.A.7 and III.A.8. Initial testing shall be conducted by December 31, 2004. Subsequent testing shall be conducted in accordance with the schedule set forth in the following table.

TEST	TEST RESULTS	TESTING FREQUENCY
Initial Test	$\leq$ 50% of emission limit	Once per permit term
Initial Test & Subsequent Test	Between 50% and 80% of emission limit	Every 30 months
Initial Test & Subsequent Tests	$\geq$ 80% of emission limit	Annually

Each test shall be conducted and reported and data reduced as set forth in 9 VAC 5-40-30. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Director, Valley Regional Office, within 60 days after test completion and shall conform to the test report format enclosed with this permit.

3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NO_x	EPA Method 7
SO_2	EPA Method 6
PM	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

IV. Process Equipment Requirements – (Coal Handling System (ES-5))

A. Limitations

1. Particulate emissions from the Coal Handling – Railcar Unloading (ES-5a) shall be controlled by partial enclosure. The enclosure shall be provided with adequate access for inspection.
(9 VAC 5-80-490 B & C and Condition 3 of 2/26/02 Permit)

2. Particulate emissions from the Coal Handling – Crushing and Coal Handling – Conveying System (ES-5b & ES-5c) shall be controlled by enclosures. The enclosures shall be provided with adequate access for inspection.
(9 VAC 5-80-490 B & C and Condition 4 of 2/26/02 Permit)

3. Fugitive dust controls shall include the following, or equivalent, as a minimum:

   a. Dust from material handling, crushers, and transfers shall be controlled by wet suppression or equivalent (as approved by the DEQ).

   b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.

   c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, or equivalent methods approved by the DEQ.

   d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

   (9 VAC 5-50-90, 9 VAC 5-40-2000, 9 VAC 5-80-490 B & C and Condition 5 of 2/26/02 Permit)

4. The processing of coal shall not exceed 3,212,000 tons/yr, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-490 B & C and Condition 6 of 2/26/02 Permit)

5. Visible emissions from all of the fugitive emission sources from the Coal Handling System (ES-5) shall not exceed 10 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 20 percent opacity as determined by EPA Method 9 (reference 40 CFR Part 60, Appendix A). (9 VAC 5-50-80, 9 VAC 5-40-1990, 40 CFR 60.252, 9 VAC 5-80-490 B & C and Condition 8 of 2/26/02 Permit)

6. Emissions from the operation of the Coal Handling System (ES-5) shall not exceed the limits specified below:

Particulate Matter	1.6 lbs/hr	4.8 tons/yr
PM-10	0.7 lbs/hr	2.1 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition IV.A.4.
(9 VAC 5-40-260, 9 VAC 5-80-490 B & C and Condition 7 of 2/26/02 Permit)

7. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

   b. Maintain an inventory of spare parts.

   c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

   d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

   (9 VAC 5-80-490 B & C and Condition 17 of 2/26/02 Permit)

B. Monitoring and Recordkeeping

1. The permittee shall perform the following daily inspection and maintenance activities for coal handling equipment operations:

   a. The permittee shall inspect and maintain weekly the fugitive dust emissions control system used to control fugitive emissions from coal handling activities.

   b. The permittee shall perform a daily visual survey of the coal handling activities for sources of visible emissions. All visible surveys must be performed when the equipment is operating. The person conducting this survey does not have to be EPA, Method 9 certified. However, the individual should be familiar with the procedures of EPA, Method 9 including using the proper location to observe visible emissions. If during the survey visible emissions are observed, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR Part 60, Appendix A, EPA Method 9, unless timely corrective action is initiated within two hours of the survey such that the equipment operates with no visible emissions within 24 hours of the initial observation. If a VEE is conducted, the individual performing the VEE must hold a current EPA Method 9 certification. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed the applicable opacity standard for the coal handling system, the VEE shall be conducted for a total of 60 minutes or until a violation of the opacity standard for coal handling system has been documented, whichever period is shorter.

   (9 VAC 5-80-490 B & C)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Regional Office. These records shall include, but are not limited to:

   a. Annual amount of coal processed (in tons), calculated monthly as the sum of each consecutive 12-month period.

   b. Weekly log of fugitive dust emissions control system inspection to include the following:

      (1) The date, time and name of the person performing each inspection;

      (2) Results of the inspection; and

      (3) The date, time, and type of corrective actions taken, if any.

c. Daily logs of the visual survey of the coal handling activities at the facility to include the following:

(1) The date, time and name of the person performing each survey;

(2) Whether or not visible emissions are observed and the suspected cause of such emissions;

(3) The date, time, and type of corrective actions taken.

d. All visible emission evaluations.

e. Scheduled and unscheduled maintenance and operator training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-50, 9 VAC 5-80-490 B & C and Conditions 12 and 17 of 2/26/02 Permit)

C. Testing

1. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the coal handling facility to demonstrate compliance with the visible emission limits contained in Condition IV.A.5. The details of the test shall be arranged with the Director, Valley Regional Office.
(9 VAC 5-50-30 G and 9 VAC 5-80-490 E & F)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-490 E & F)

V. Process Equipment Requirements – (Syn Fuel Plant (ES-6))

A. Limitations

1. Particulate emissions from the Syn Fuel Plant shall be controlled by enclosure and wet suppression. The enclosure and wet suppression system shall be provided with adequate access for inspection.
(9 VAC 5-80-490 B & C and Condition 3 of 7/29/05 Permit)

2. Fugitive dust controls shall include the following, or equivalent, as a minimum:

   a. Dust from material handling, crushers, and transfers shall be controlled by wet suppression or equivalent (as approved by the DEQ).

   b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.

   c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, or equivalent methods approved by the DEQ.

   d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

   (9 VAC 5-80-490 B & C and Condition 4 of 7/29/05 Permit)

3. The processing of coal through the Syn Fuel Plant shall not exceed 1,314,000 tons/yr, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-490 B & C and Condition 5 of 7/29/05 Permit)

4. Emissions from the operation of the Syn Fuel Plant shall not exceed the limits specified below:

Particulate Matter	0.57 lbs/hr	2.5 tons/yr
PM-10	0.27 lbs/hr	1.2 tons/yr
Volatile Organic Compounds		3.8 tons/yr

These emissions are derived from the estimated overall emission contribution from the operating limits. Exceedance of the operating limits shall be considered credible

evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition number V.A.3.
(9 VAC 5-80-490 B & C and Condition 6 of 7/29/05 Permit)

5. Visible emissions from the Syn Fuel Plant shall not exceed 20% opacity as determined by EPA Method 9 (reference 40 CFR Part 60, Appendix A).
(9 VAC 5-80-490 B & C and Condition 7 of 7/29/05 Permit)

6. Except where this permit is more restrictive than the applicable requirement, the Syn Fuel Plant NSPS equipment (ES-6a and ES-6b) shall be operated in compliance with the requirements of 40 CFR Part 60, Subpart Y.
(9 VAC 5-80-490 B & C and Condition 8 of 7/29/05 Permit)

B. Monitoring and Recordkeeping

1. The permittee shall perform the following daily inspection and maintenance activities for coal handling equipment operations:

   a. The permittee shall inspect and maintain weekly the fugitive dust emissions control system used to control fugitive emissions from the Syn Fuel Plant.

   b. The permittee shall perform a daily visual survey of the Syn Fuel Plant for sources of visible emissions. All visible surveys must be performed when the equipment is operating. The person conducting this survey does not have to be EPA, Method 9 certified. However, the individual should be familiar with the procedures of EPA, Method 9 including using the proper location to observe visible emissions. If during the survey visible emissions are observed, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR Part 60, Appendix A, EPA Method 9, unless timely corrective action is initiated within two hours of the survey such that the equipment operates with no visible emissions within 24 hours of the initial observation. If a VEE is conducted, the individual performing the VEE must hold a current EPA Method 9 certification. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed the applicable opacity standard for the coal handling system, the VEE shall be conducted for a total of 60 minutes or until a violation of the opacity standard for Syn Fuel Plant has been documented, whichever period is shorter.

   (9 VAC 5-80-490 E)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Regional Office. These records shall include, but are not limited to:

   a. Annual amount of coal (tons) processed through the Syn Fuel Plant, calculated monthly as the sum of each consecutive 12-month period.

   b. Annual amount of latex binding (gallons) sprayed, calculated monthly as the sum of each consecutive 12-month period.

   c. Material Safety Data Sheets for each latex binding agent showing volatile organic compound content (percent by weight) and individual hazardous air pollutant (HAP) content (percent by weight).

   d. Monthly and annual cumulative emissions of VOC and each HAP (in tons) for the Syn Fuel Plant. The annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.

   e. All visible emission evaluations.

   f. Scheduled and unscheduled maintenance.

   g. Weekly log of fugitive dust emissions control system inspection to include the following:

      (1) The date, time and name of the person performing each inspection;

      (2) Results of the inspection; and

      (3) The date, time, and type of corrective actions taken, if any.

   h. Daily logs of the visual survey of the Syn Fuel Plant to include the following:

      (1) The date, time and name of the person performing each survey;

      (2) Whether or not visible emissions are observed and the suspected cause of such emissions;

      (3) The date, time, and type of corrective actions taken.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-50-50, 9 VAC 5-80-490 E & F and Condition 11 of 7/29/05 Permit)

C. Testing

1. Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted by the permittee on the Syn Fuel Plant. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Director, Valley Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but no later than 120 days after permit issuance. One copy of the test result shall be submitted to the Director, Valley Regional Office, within 45 days after test completion and shall conform to the test report format enclosed with this permit. One copy of the test result shall be submitted to the EPA at:

   Associate Director
   Office of Air Enforcement (3AP13)
   U.S. Environmental Protection Agency
   Region III
   1650 Arch Street
   Philadelphia, PA 19103-2029

   (9 VAC 5-80-490 E & F and Condition 9 of 7/29/05 Permit)

2. Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the Syn Fuel Facility to demonstrate compliance with the visible emission limits contained in Condition V.A.5. The details of the test shall be arranged with the Director, Valley Regional Office.
   (9 VAC 5-50-30 G, 9 VAC 5-80-490 E & F and Condition 10 of 7/29/05 Permit)

3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-490 E & F)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1	Lube Oil Systems/Waste Oil Systems/Hydraulic Oil Systems	9 VAC 5-80-720B	VOC	
IS-2	215,000 Gallon #2 Fuel Oil Tank	9 VAC 5-80-720B	VOC	
IS-3	275 Gallon Gasoline Dispensing Station & Tank	9 VAC 5-80-720B	VOC	
IS-4	500 Gallon Kerosene Tank	9 VAC 5-80-720B	VOC	
IS-5	Antifreeze Usage on Coal Conveyors	9 VAC 5-80-720B	VOC	
IS-6	Wendon (bridging agent) Usage on Coal	9 VAC 5-80-720B	VOC	
IS-7	Flyash Handling System	9 VAC 5-80-720B	PM-10	
IS-8	Gravel Roads	9 VAC 5-80-720B	PM-10	
IS-9	Sand Blasters (1)	9 VAC 5-80-720B	PM-10	
IS-10	Sewage Treatment	9 VAC 5-80-720B	VOC	
IS-11	Coal Sampling Systems (as received & as fired)	9 VAC 5-80-720B	PM-10	
IS-12	Ash Storage Ponds	9 VAC 5-80-720B	PM-10	
IS-13	Diesel Fire Pump	9 VAC 5-80-720C		150 HP
IS-14	Lime Slurry Tank	9 VAC 5-80-720B	PM-10	
IS-15	275 Gallon Fire Pump Diesel Tank	9 VAC-5-80-720B	VOC	
IS-16	10,000 Gallon Coal Yard Diesel Tank	9 VAC-5-80-720B	VOC	

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-490 C, E and F.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed to be in compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subparts D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971	Not applicable for Units ES-3 and ES-4; Units constructed prior to August 17, 1971
40 CFR 60, Subpart Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978	Not applicable for Units ES-3 and ES-4; Units constructed prior to September 18, 1978
40 CFR 60, Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	Not applicable for Units ES-3 and ES-4; Units constructed prior to June 19, 1984
40 CFR 60, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Not applicable for Unit ES-1; Unit less than 10 million BTU/hr heat input
40 CFR 60, Subpart GG	Standards of Performance for Stationary Gas Turbines	Not applicable to Unit ES-2; Unit less than 10 million BTU per hour

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-500 C)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-490 N)

B. Permit Expiration

1. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-430, the right of the facility to operate shall be terminated upon permit expiration.

2. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

3. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.

4. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.

5. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

6. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-490 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   (9 VAC 5-80-490 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-490 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-430 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. A description of the means for assessing or monitoring the compliance of the source with its emission limitations, standards, and work practices.

3. The identification of each term or condition of the permit that is the basis of the certification.

4. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period

5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. The status of compliance with the terms and conditions of this permit for the certification period.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-490 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Valley Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C of this permit.
(9 VAC 5-80-490 F.2)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Valley Regional Office, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Regional Office.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.

2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C are listed below:

    a. ES-3

b. ES-4

3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the Board for every calendar half except when (i) more frequent reporting is specifically required by an applicable emission standard or the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or (ii) the board on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All semi-annual or quarterly reports shall be postmarked by the 30th day following the end of each calendar half or calendar quarter, as appropriate and shall include the following information:

   a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;

   b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;

   c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

   d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

4. All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within 14 days of the discovery of the malfunction.

(9 VAC 5-20-180 C**,** 9 VAC 5-40-50, and 9 VAC 5-50-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-490 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-490 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-490 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source maybe subject to permitting under State Regulations 9 VAC 5-80-50, 8 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revision except as many be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-490 G and L, 9 VAC 5-80-550 and 9 VAC 5-80-660)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-490 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-490 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-430 G.
(9 VAC 5-80-490 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-490 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 3.
(9 VAC 5-80-490 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-490 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-430 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-490 D.

(9 VAC 5-80-490 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-510 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-520)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the

Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-560.
(9 VAC 5-80-520)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-650)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-660)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-430 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61 Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150)
(9 VAC 5-60-70 and 9 VAC 5-80-490 A)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-490 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-490, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-360 through 9 VAC 5-80-700.

(9 VAC 5-80-490 I)

IX. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

The attached Phase II Acid Rain permit is incorporated into this permit by reference, including the attached NO_x Compliance Plan and attached NO_x Averaging Plan. The owners and operators of the source shall comply with the standard requirements and special provisions set forth in the application.
(9 VAC 5-80-440 and 9 VAC 5-80-490 A.4.a and c, B, C, E, F, M, O and P)

X. NO_x Budget Trading Program Requirements

A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in Table IX-1 meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, for each NO_x Budget source required to have a federally enforceable permit, such permit will include the NO_x Budget permit to be administered by the permitting authority. This section represents the NO_x Budget permit.
(9 VAC 5-140-40)

2. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., Article 3 and 9 VAC 5-140-10 et seq.
(9 VAC 5-140-200 A)

3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shut down, can be included in the NO_x Budget Trading program as "opt-in" air emission sources.
(9 VAC 5-140-40 A)

Table IX– 1
Facility NO_x Budget Units

Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
ES-3	003796000003	Unit 3 Babcock & Wilcox Boiler	912 (coal) 504 (oil)	90
ES-4	003796000004	Unit 4 Babcock & Wilcox Boiler	1699 (coal) 504 (oil)	178

4. This NO_x Budget Trading permit will become effective on May 31, 2004.
(9 VAC 5-140-240)

B. Standard Requirements

1. Monitoring Requirements

   a. The owners and operators and, to the extent applicable, the NO_X authorized account representative of each NO_X Budget source and each NO_X Budget unit at

the source shall comply with the monitoring requirements of Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1.
(9 VAC 5-140-60 B.1)

b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (Subpart H of 40 CFR Part 97) shall be used to determine compliance by the unit with the NO_X Budget emissions limitation under Conditions IX.B.2.a through IX.B.2.h of this permit.
(9 VAC 5-140-60 B.2)

c. The following approved methods will be used to calculate NOx emission rates:

Pollutant or Stack Parameter	**CEM Monitoring Methods 40 CFR 75**
NO_x Concentration	EPA Method 7E
Moisture	EPA Method 4
Fuel use / heat flow	EPA Method 2
Diluent gas	EPA Method 3A

(9 VAC 5-140-230)

2. Nitrogen Oxides Requirements

a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1, plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
(9 VAC 5-140-60 C.1)

b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of 9 VAC 5 Chapter 140, Part 1, the Clean Air Act, and applicable Virginia Air Pollution Control law.
(9 VAC 5-140-60 C.2)

c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004 or the date on which the unit

commences operation.
(9 VAC 5-140-60 C.3)

d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1.
(9 VAC 5-140-60 C.4)

e. A NO_x allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_X allowance was allocated.
(9 VAC 5-140-60 C.5)

f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
(9 VAC 5-140-60 C.6)

g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)

h. Upon recordation by the administrator under Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_X Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)

3. Excess Emissions Requirements

a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

(1) Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D.1; and

(2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D.3.

(9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements

The following requirements concerning recordkeeping and reporting shall apply:

1. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.
(9 VAC 5-140-60 E.1)

   a. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
   (9 VAC 5-140-60 E.1)

   b. All emissions monitoring information, in accordance with Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1; provided that to the extent that Article 8 (9 VAC 5-140-700 et seq.) of 9 VAC 5 Chapter 140, Part 1 provides for a three-year period for recordkeeping, the three-year period shall apply.
   (9 VAC 5-140-60 E.1)

   c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
   (9 VAC 5-140-60 E.1)

   d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
   (9 VAC 5-140-60 E.1)

2. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC

5-140-800 et seq.) of 9 VAC 5 Chapter 140, Part 1.
(9 VAC 5-140-60 E.2)

D. Test for CEM Certification

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-140-300)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant or Stack Parameter	CEM Certification Test Method 40 CFR 75
NO_x Concentration	EPA Method 7E
Opacity	EPA Method 9
Moisture	EPA Method 4
Fuel use / heat flow	EPA Method 2
Diluent gas	EPA Method 3A

(9 VAC 5-140-300 to 310)

E. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)

2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)

4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)

5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)

6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except for the requirements applicable to units with a common stack under 9 VAC 5 Chapter 140, Part 1, Article 8, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

F. Effect on Other Authorities

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.
(9 VAC 5-140-60 G)